UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:18-cv-255-MOC-WCM

DALLAS FISHER, CHERIE FISHER,)
Plaintiffs,)
vs.	ORDER
UNITED STATES OF AMERICA,)
Defendant.)))

THIS MATTER comes before the Court on a Partial Motion to Dismiss by Defendant United States of America. (Doc. No. 19).

I. BACKGROUND AND DISCUSSION

While riding his motorcycle on the Blue Ridge Parkway in western North Carolina in September 2016, Plaintiff Dallas Fisher was seriously injured when he hit a bump in the road near milepost 465, totaling his motorcycle. Plaintiff and his wife, Cheri Fisher, (together "Plaintiffs"), filed this action against the United States on September 7, 2018, asserting claims of negligent installation of signage, negligent maintenance of the roadway, negligent failure to warn, negligence per se, and loss of consortium, pursuant to the Federal Tort Claims Act ("FTCA"), 28 U.S.C § 1346(b), §§ 2671-80. On March 20, 2019, the United States filed the pending partial motion to dismiss. (Doc. No. 19). On April 10, 2019, Plaintiffs filed a response in opposition to the motion to dismiss. (Doc. No. 25). On April 2, 2019, the United States filed a Reply. (Doc. No. 27). Thus, this matter is ripe for disposition.

The Court will deny the motion to dismiss at this time and hold it under consideration

pending further development of the record and summary judgment motions.

II. CONCLUSION

Defendant's motion to dismiss is denied, pending further development of the record, and the Court will issue a ruling after discovery and the parties' filing of summary judgment motions.

IT IS, THEREFORE, ORDERED that:

1. Defendant's Partial Motion to Dismiss, (Doc. No. 19), is **DENIED**.

Signed: May 9, 2019

Max O. Cogburn J.

United States District Judge

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